

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

K AND S RESTORATIONS LLC

Plaintiff

v.

COLONY INSURANCE COMPANY,
TWFG INSURANCE SERVICES LLC

Defendants

§
§
§
§
§
§
§
§

CIVIL ACTION NO. 4:23-cv-03017

**COLONY’S SUPPLEMENTAL RESPONSE TO
PLAINTIFF’S MOTION FOR WITHDRAWAL OF COUNSEL**

Defendant Colony Insurance Company files this Supplement in Support of its Response to Plaintiff’s Motion for Withdrawal of Counsel (ECF No. 37), and shows the Court the following:

In addition to the reasons provided in its original Response, Colony asks the Court to deny Plaintiff counsel’s Motion to Withdraw because the singular reason provided — lack of communication between Plaintiff and its attorney — has been resolved.¹

On October 23, 2024, Plaintiff filed a Motion for Withdrawal of Counsel (ECF No. 35). The only reason provided in the Motion is Plaintiff counsel’s inability “to continue representing Plaintiff due to lack of communication with the client even after continuous efforts from the law firm.” (Mot. Withdrawal of Counsel ¶ 1, ECF No. 35.)

¹ Colony maintains that Plaintiff counsel should not be allowed to withdraw because he has not shown good cause; that his request is unreasonably timed given impending deadlines; and that neither he nor the Plaintiff has provided the Court with the name of substitute counsel, which is required in our case, given that an entity cannot represent itself pro se in this matter and the Plaintiff would be left unrepresented. (*See generally* Resp., ECF No. 37.)

However, this issue appears to have resolved. Plaintiff's representative, Tariq Shah, executed an Affidavit that is attached to Plaintiff's Response to Colony's Motion for Summary Judgment (ECF No. 43). The affidavit was executed only last week, on December 5, 2024. (Aff. of Tariq Shah 5, ECF No. 43-1.) Thus, Plaintiff and counsel have apparently re-established communication between late October and last week.

Because the only reason provided in the Motion for Withdrawal of Counsel is the lack of communication, the Motion is rendered moot, and the Court should deny it.

WHEREFORE, Colony prays that the Court deny Plaintiff's Motion for Withdrawal of Counsel and grant Colony any further relief to which it may be entitled.

Respectfully submitted,

/s/ Matthew Rigney

Stephen A. Melendi, Attorney-In-Charge

Texas Bar No. 24041468

Southern District Bar No. 38607

stephenm@tbmmlaw.com

Matthew Rigney

Texas Bar No. 24068636

Southern District Bar No. 2870042

mattr@tbmmlaw.com

Jelan A. Cato

Texas Bar No. 24107360

Southern District Bar No. 3881687

jelanc@tbmmlaw.com

Tollefson Bradley Mitchell & Melendi, LLP

2811 McKinney Avenue, Suite 250 West

Dallas, Texas 75204

Telephone: 214-665-0100

Facsimile: 214-665-0199

**ATTORNEYS FOR DEFENDANT
COLONY INSURANCE COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served on counsel of record in accordance with the Federal Rules of Civil Procedure on December 11, 2024.

/s/ Matthew Rigney

Matthew Rigney